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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/631,058 | 08/01/2000 | Bo Wu | ENR-003 | 6628 |
| 7590 | 06/03/2005 | | EXAMINER | |
| Wagner Murabito & Hao LLP Third Floor Two North Market Street San Jose, CA 95113 | | | LEE, PHILIP C | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 2154 | |

DATE MAILED: 06/03/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | |
|------------------------------|-----------------|--------------|
| Office Action Summary | Application No. | Applicant(s) |
| | 09/631,058 | WU, BO |
| | Examiner | Art Unit |
| | Philip C. Lee | 2154 |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 31 January 2005.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-33 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-33 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some * c) None of:

1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____

1. This action is responsive to the amendment and remarks filed on January 31, 2005.
2. Claims 1-33 are presented for examination.
3. The text of those sections of Title 35, U.S. code not included in this office action can be found in a prior office action.

Claim Rejections – 35 USC 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.
5. Claims 1-2, 4-5, 7, 10, 12-14, 16-17, 19, 21, 23-24, 28-29 and 31-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito, U. S. Patent 6,002,772 (hereinafter Saito) in view of McTernan et al, U.S. Patent Application Publication 2001/0047401 (hereinafter McTernan).
6. Saito was cited in the last office action.

7. As per claim 1, Saito taught the invention substantially as claimed comprising:
 - performing a registration process with a directory device, said registration process comprises a first client device specifying media content to download (col. 6, lines 43-44; col. 7, lines 48-50);
 - coupling said first client device to a media supplier (8, figure 1; col. 7, line 55- col. 8, line 6);
 - downloading said media content in an encrypted format from said media supplier to said first client device after said coupling said first client device to said media supplier (5,8, figure 1; col. 7, line 48-col. 8, line 6);
 - downloading to said first client device an encryption key capable of decrypting said media content (3, 4 and 9, figure 1; col. 6, lines 61-col. 7, lines 13; col. 8, lines 14-19);
 - downloading said media content from said first client device to a second client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and
 - downloading to said second client device another encryption key (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

8. Saito did not specifically detailing the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client

device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

9. Saito did not teach supplying a list of media suppliers after specifying the media content to download. McTernan taught supplying to said first client device a list of media suppliers for providing said media content after said specifying (page 3, paragraphs 40 and 42). McTernan further taught coupling said first client device to a media supplier chosen from said list (page 3, paragraphs 40 and 42).

10. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

11. As per claim 13, Saito taught the invention as claimed comprising:
coupling said first client device to a directory device and specifying media content to download (2, figure 1; col. 6, lines 43-47);
downloading to said first client device said media content in an encrypted format from a media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6);

downloading to said first client device an encryption key capable of decrypting said media content (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col. 5, lines 20-22);

downloading said media content from said first client device to a second client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67); and

downloading to said second client device said encryption key (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

12. Saito did not specifically detail the second client device receiving the same encryption key as the first client device. However, Saito taught the method of encrypting media content from the media supplier only with the second client device data (col. 19, lines 56-60). Therefore, an encryption key capable of decrypting the encrypted media content at the first client device is the same encryption key capable of decrypting the encrypted media content at the second client device. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to modify Saito's method because it would increase the efficiency of Saito's method by using the same encryption key for decrypting the same encrypted media content at different client devices.

13. Saito did not teach supplying a list of media suppliers after specifying the media content to download. McTernan taught supplying to said first client device a list of media suppliers for providing said media content after said specifying (page 3, paragraphs 40 and 42). McTernan

further taught coupling said first client device to a media supplier chosen from said list (page 3, paragraphs 40 and 42).

14. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

15. As per claim 24, Saito taught the system as claimed comprising:
a media supplier for transmitting media content that is encrypted (8, figure 1; col. 7, lines 56-col. 8, lines 6);
a first client device coupled to said media supplier and for receiving said media content from said media supplier (8, figure 1; col. 7, lines 56-col. 8, lines 6), said first client device for receiving a first encryption key for decrypting said media content (3 and 9, figure 1; col. 6, lines 61-col. 7, lines 4; col. 8, lines 14-19; col. 5, lines 20-22);
a directory device for coupling said first client device to said media supplier (figure 3; col. 14, lines 28-35; 8, figure 1; col. 7, line 56-col. 8, line 6); and
a second client device coupled to said first client device and for receiving said media content from said first client device (12 and 15, figure 1; col. 8, lines 37-48; col. 8, lines 65-67), said second client device for receiving a second encryption key for decrypting said media content (17 and 19, figure 1; col. 9, lines 8-19; col. 9, lines 32-38; col. 5, lines 30-33).

16. Saito did not teach supplying a list of media suppliers after specifying the media content to download. McTernan taught supplying to said first client device a list of media suppliers for providing said media content after said specifying (page 3, paragraphs 40 and 42). McTernan further taught coupling said first client device to a media supplier chosen from said list (page 3, paragraphs 40 and 42).

17. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because McTernan's method of supplying a list of servers would increase the flexibility of the client in Saito's system by allowing the client to select the best connection for delivery of content (page 3, paragraph 38).

18. As per claims 2 and 14, Saito and McTernan taught the method substantially as claimed in claims 1 and 13 above, Saito further comprising:

coupling said second client device to said directory device (col. 5, lines 24-30; col. 8, lines 37-47).

19. As per claims 4, 16 and 28, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito further taught wherein said first client device receives said encryption key from said media supplier (4, figure 3; col. 14, lines 28-35; col. 14, lines 4-16).

20. As per claims 5, 17 and 29, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito further taught wherein said first client device receives said encryption key from said directory device (3, figure 1, col. 6, lines 61-col. 7, lines 4).

21. As per claim 7, Saito and McTernan taught the method substantially as claimed in claim 1 above. Saito further taught wherein said second client device receives said encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

22. As per claims 10, 21 and 32, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito further taught wherein said media supplier comprises a third client device (col.20, lines 28-32).

23. As per claims 12 and 23, Saito and McTernan taught the invention substantially as claimed in claims 1 and 13 above. McTernan further taught comprising: supplying to said second client device a second list of media suppliers for providing said media content (fig. 1 and page 4, paragraph 54). (Note that McTernan taught a plurality of clients (e.g. 102, fig. 1) can be supplied with a list of media server for providing the media content. It is inherent that a first, second and third client can be supplied with a list of media server for providing the media content)

24. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan for the reason set forth in claim 1 above.

25. As per claims 19 and 31, Saito and McTernan taught the invention substantially as claimed in claims 13 and 24 above. Saito further taught wherein said second client device receives said second encryption key from said directory device (17, figure 1, col. 9, lines 8-19).

26. As per claim 33, Saito and McTernan taught the invention substantially as claimed in claim 24 above, Saito further taught wherein said directory device for coupling said second client device to said first client device (3, figure; col. 14, lines 28-35).

27. Claims 3, 6, 15, 18 and 30 and are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Herlin et al, U.S. Patent 5,915,021 (hereinafter Herlin).

28. Herlin was cited in the last office action.

29. As per claims 3 and 15, Saito and McTernan taught the method substantially as claimed in claims 1 and 13 above. Saito and McTernan did not teach said second client device receiving said encrypted media content from said first client device. Herlin taught the method of coupling said second client device to said first client device (col. 11, lines 29-40).

30. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Herlin because Herlin's method of coupling the second client device to the first client device would improve the security of Saito's and McTernan's method by allowing the second client device to request permission from the first client device in order to receive the encrypted media content from the first client device.

31. As per claims 6, 18 and 30, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito and McTernan did not teach said second client device receives said encryption key from said first client device. Herlin taught the method of said second client device receives said encryption key from said first client device (col. 4, lines 22-33).

32. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Herlin because Herlin's method of receiving said encryption key from another client device would increase the efficiency of Saito's and McTernan's systems by allowing the encryption key to be distributed by another user to increase the response time for requesting media content.

33. Claims 8-9, 20 and 25 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Wiser et al, U.S. Patent 6,385,596 (hereinafter Wiser).

34. Wiser was cited in the last office action.

35. As per claims 8, 20 and 25, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito and McTernan did not specifically detailing the content of the encrypted media. Wiser taught that the encrypted media content include video, audio, graphics, software, or information (col. 8, lines 11-17).

36. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito, McTernan and Wiser because Wiser's method of including different types of media content would enhanced Saito's method by increasing the field of use for his system.

37. As per claim 9, Saito and McTernan taught the method substantially as claimed in claim 1 above. Saito and McTernan did not teach the type of device used as the media supplier. Wiser taught the media supplier comprises a computer (col. 6, lines 4-8).

38. Claims 11, 22 and 26-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito and McTernan in view of Saito, U.S. Patent 5,867,579.

39. Saito, U.S. Patent 5,867,579 was cited in the last office action.

40. As per claims 11, 22 and 26-27, Saito and McTernan taught the method substantially as claimed in claims 1, 13 and 24 above. Saito and McTernan did not specifically detailing the type of client device. Saito, U.S. Patent 5,867,579, taught wherein said first client device is a computer, set-top-box, or digital recording/play back device (col. 23, lines 33-40).

41. It would have been obvious to one having ordinary skill in the art at the time of the invention was made to combine the teachings of Saito and McTernan because the combine teachings of Saito and McTernan would effectively cover larger range of use by including more details in his systems.

42. Applicant's arguments with respect to claims 1-33, filed 01/31/05, have been fully considered but are not deemed to be persuasive and are moot in view of the new grounds of rejection.

43. Because Applicants have failed to challenge any of the Examiner's "Official Notices" (e.g. as in claims 1 and 13) stated in the previous office action in a proper and reasonably manner, they are now considered as admitted prior art. See MPEP 2144.03

44. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

45. A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

46. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Philip Lee whose telephone number is (571) 272-3967. Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703) 305-9600.

Philip Lee



JOHN FOLLANSBEE
SUPPLY PATENT EXAMINER
TECHNOLOGY CENTER 2100